

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ALDOE LEE FOSTER, #1182920	§	
v.	§	CIVIL ACTION NO. 6:18cv81
DIRECTOR, TDCJ-CID, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Aldoe Lee Foster, an inmate currently confined at the Michael Unit within the Texas Department of Criminal Justice, (TDCJ), is proceeding *pro se* and *in forma pauperis* in the above-styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On August 11, 2020, Judge Mitchell issued a Report, (Dkt. #66), recommending that Defendants' motion for summary judgment, (Dkt. #52), be granted and that Plaintiff's civil rights complaint be dismissed with prejudice. Judge Mitchell further recommended that Plaintiff's motion for a preliminary injunction, (Dkt. #58), be denied as well. A copy of this Report was sent to Plaintiff at his address with an acknowledgment card. The docket reflects that Plaintiff received a copy of the Report on August 19, 2020, (Dkt. #69).

Plaintiff was granted an extension of time, (Dkt. #68), in which to file objections to Judge Mitchell's Report—wherein the Court ordered Plaintiff to file his objections no later than September 4, 2020. However, to date, no objections have been filed—even with the benefit of any potential mail delay.

Because objections to Judge Mitchell's Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and,

except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

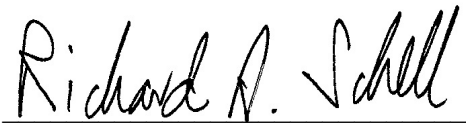
ORDERED that the Report of the United States Magistrate Judge, (Dkt. # 66), is **ADOPTED** as the opinion of the court. It is also

ORDERED that Defendants' motion for summary judgment, (Dkt. #52), is **GRANTED**. Plaintiff's motion for a preliminary injunction, (Dkt. #58), is **DENIED**. Further, it is

ORDERED that the above-styled civil rights proceeding is **DISMISSED** with prejudice. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED** as **MOOT**.

SIGNED this the 14th day of September, 2020.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE